

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
NORTHERN DIVISION

MARGARET MILLER, et al.	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 2:05CV0064 AGF
	)	
MERCK AND COMPANY, INC.,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

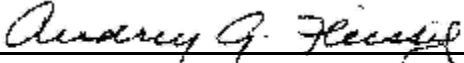
This matter is before the Court on Defendant Merck and Company, Inc.'s motion to stay proceedings pending transfer of the case by the Judicial Panel on Multidistrict Litigation (JPML). The case involves the prescription drug VIOXX, manufactured by Defendant. On February 16, 2005, the JPML in In re VIOXX Products Liability Litigation, Doc. No. 1657, transferred over 100 VIOXX cases to the United States District Court for the Eastern District of Louisiana for pretrial proceedings. The Panel noted that nearly 300 potentially related cases were pending in multiple district courts and would be treated as potential tag-along cases. The Panel also noted that the pendency of a motion to remand was not a sufficient basis to avoid transfer, and that the transferee court could decide remand motions.

Since then, several courts in this district have granted motions to stay similar to the motion filed in this case. See, e.g., O'Gorman v. Merck & Co., No. 4:05CV153 DDN (E.D. Mo. Oct. 13, 2005) (order granting stay); McBride v. Merck & Co., No. 4:05CV878 ERW (E.D. Mo. Oct. 13, 2005) (order granting stay).

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's motion to stay pending transfer by the Judicial Panel on Multidistrict Litigation [Doc. #5] is **GRANTED**.

Dated this 1st day of November, 2005.

  
\_\_\_\_\_  
AUDREY G. FLEISSIG  
UNITED STATES MAGISTRATE JUDGE